

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1) MICHELLE ERNST as Personal)
Representative of the Estate)
of DAVID MICHAEL ERNST,)
deceased,)

Plaintiff,)

vs.)

No. 14-CV-504-GKF-PJC

1) CREEK COUNTY PUBLIC)
FACILITIES AUTHORITY,)
2) ADVANCED CORRECTIONAL)
HEALTHCARE, INC.,)

Defendants.)

* * * * *
DEPOSITION OF ADAM MARSHALL
TAKEN ON BEHALF OF THE PLAINTIFF
AT 404 E. DEWEY AVENUE, SAPULPA, OKLAHOMA
COMMENCING AT 9:05 A.M.
ON NOVEMBER 9, 2015
PURSUANT TO THE STIPULATIONS OF THE PARTIES
* * * * *

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REPORTED BY: ROBERTA L. JOHNSON, CSR, RPR

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EXHIBIT 37

1 ADAM MARSHALL

2 after first being duly sworn to tell the truth, the
3 whole truth, and nothing but the truth, testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. WALSH:

7 Q. Would you state your full name, please?

8 A. Adam Russell Marshall.

9 Q. Sir, how are you employed?

10 A. With the Creek County Sheriff's Office.

11 Q. Doing what?

12 A. I'm a patrol deputy.

13 Q. How long have you been a patrol deputy?

14 A. About a year and six months.

15 Q. Prior to that, how were you employed?

16 A. With the Creek County Sheriff's Office.

17 Q. Doing what?

18 A. I was transport deputy.

19 Q. For what facility?

20 A. The Creek County Jail.

21 Q. How long did you hold that position?

22 A. Oh, since September 1st. Since September
23 1st, 2012, I believe, is when I was sworn in as a
24 deputy for transport.

25 Q. Okay. When did you leave that position?

1 in the level of depression that you observed.

2 A. From like a scale of one to 10?

3 Q. However you would -- can best judge it.

4 A. Probably from -- probably from a six to a 10.

5 Q. Okay. Do you recall bringing him back on
6 June -- and the records, I believe, indicate it was
7 June 11th of 2014 when the jury came back. Do you
8 recall bringing him back after the jury had announced
9 their verdict?

10 A. Yes, sir. After the jury announced their
11 verdict, I handcuffed Mr. Ernst and transported him
12 back to the Creek County Criminal Justice Center.

13 Q. What was his emotional state at that time?

14 A. Of a sad individual.

15 Q. Did you talk to him about what had happened?

16 A. Not -- not really. He made a few comments on
17 the way back from the jail.

18 Q. Tell me the comments that he made.

19 A. He was just talking about how he's -- his age
20 and with what the jury had given him, that was pretty
21 much a life sentence. And he just -- he made a
22 comment, I believe, that I should just hit him with
23 the car, run him over or something like that is what
24 he told me.

25 Q. Was there another event that you observed at

1 the trial involving he and his wife, Regina?

2 A. It was right after the trail. Whenever he
3 got sentenced and the jury was dismissed, his wife
4 approached him. She started to get a little close. I
5 had to back her off and keep her on the other side of
6 the separator and she took her wedding ring off and
7 threw it at Ernst.

8 Q. Did she say anything when she did this?

9 A. Not that I can recall.

10 Q. Did David Ernst respond in any way to this
11 action?

12 A. He just put his head down.

13 Q. As a transport officer, are you required to
14 go through the same training that the officers who are
15 in the jail go through?

16 A. I had previously worked in the jail before
17 transport, so I've had the same training.

18 Q. When did you first start working in the jail?

19 A. March 1st, 2010.

20 Q. What was your position at that time?

21 A. Detention officer.

22 Q. Had this been your first experience as a
23 detention officer?

24 A. On that date?

25 Q. Yes.

1 Q. Were you taught what those clues, verbal and
2 behavioral were?

3 A. Yes, sir.

4 Q. Tell me what you were taught.

5 A. Verbal would be like saying I want to kill
6 myself. The other clues would just be watching the
7 inmate, seeing the -- the type of -- just being
8 concerned with that inmate's well-being, the way
9 they're acting. If you feel like it's -- stands for
10 possible suicide prevention, then you bring that up.

11 Q. And I understand we're talking kind of in
12 generic terms, but what behaviorally were you taught
13 to look for?

14 A. Like I said, verbal is them telling you I
15 want to kill myself. The other one would just them --
16 I could have sworn we already went over this. Them
17 hanging out in their cells, just every day activity
18 changing. I mean --

19 Q. Did you ever report to your supervisor or to
20 medical that you thought someone was suicidal?

21 A. Yes, sir.

22 Q. Did you report that you thought David Ernst
23 was suicidal?

24 A. I reported that they should watch him due to
25 his body language and the way he was acting was

1 concerning to me, after he was sentenced after trial.

2 Q. I think, in your report, didn't you say that
3 he should either be put on suicide watch or seen by
4 medical?

5 A. Yes, sir.

6 Q. Did you think he was suicidal?

7 A. The way he was acting, I felt like something
8 could happen.

9 Q. What did you expect was going to occur after
10 you had made that statement?

11 A. He would go on suicide watch.

12 Q. Did David Ernst go on suicide watch?

13 A. No, sir.

14 Q. Do you know who from medical talked to
15 Mr. Ernst?

16 A. I do not.

17 Q. If I told you that Amanda Spriggs did not
18 talk to David Ernst, would that surprise you?

19 A. Yes, sir.

20 Q. Do you know -- do you remember the nurses who
21 would have been working at this facility back in June
22 of 2014?

23 A. I do not, sir.

24 Q. Do you know of any qualifications that the
25 nurses would have had to handle mental health issues

1 Q. Did anyone ever ask you, Adam, why do you
2 feel this way?

3 A. No, sir.

4 Q. Who did you give this information to that you
5 thought he should go on suicide watch?

6 A. I told the shift supervisor. I told the
7 chief of security.

8 Q. Who was the shift supervisor?

9 A. Boomer Jones.

10 Q. Where did you and the shift supervisor,
11 Jones, have this conversation?

12 A. It was in booking as soon as we returned from
13 Bristow court.

14 Q. Who else did you tell?

15 A. I went from -- I went from Jones to the chief
16 of security, Lance Prout.

17 Q. What did you tell Lance Sprout (sic)?

18 A. I told him that I felt that Mr. Ernst needed
19 to go on suicide watch based on the way he was acting.

20 Q. Did you tell anyone else besides Jones and
21 Sprout that you thought Mr. Ernst needed to go on
22 suicide watch?

23 A. I did. I told Lieutenant Hutchison.

24 Q. Did you have three conversations with these
25 individuals or were they all together when you

1 discussed this?

2 A. It was all separate, from one to the other to
3 the next.

4 Q. Who -- and you told -- did you tell Boomer
5 Jones first?

6 A. Yes, sir.

7 Q. Did you tell Mr. Sprout second?

8 A. Prout, sir.

9 Q. Krout?

10 A. Prout. P-R-O-U-T.

11 Q. And did you tell Lieutenant Hutchison third?

12 A. Yes, sir.

13 Q. You said that the conversation with Jones
14 took place in booking. Where did the conversation
15 happen with the chief of security?

16 A. In his office.

17 Q. When you told Mr. Jones that you thought he
18 needed to go on suicide watch, meaning Mr. Ernst, what
19 was Boomer Jones' response?

20 A. I don't remember, sir. I -- I can't remember
21 what his response was to it. He said -- I believe he
22 said I'll take care of it.

23 Q. So then why did you feel it necessary to go
24 talk to the chief of security?

25 A. To make sure it got taken care of.

1 A. Oh, yes, sir.

2 Q. Okay. So far as we were talking, all you've
3 told me in these conversations with Jones, Prout and
4 Hutchison was that he needed to go on suicide watch?

5 A. Or be watched by detention officers for the
6 clues of being placed on suicide watch.

7 Q. Oh, so you -- okay. So how about -- so you
8 actually made three statements then? He needed to
9 either go on suicide watch, be watched by the
10 correction officers or be seen by medical?

11 A. Well, I mean, that's not what I told them.
12 Excuse me. I'm sorry.

13 Q. Okay.

14 A. I told them that he either needed to go on
15 suicide watch or be watched is what I said.

16 Q. Or be watched meaning what?

17 A. Just watch him. Watch him, watch how he's
18 acting. I didn't say these things, but that's what it
19 means, to watch the inmate, see how he's acting and if
20 he raises any indicating -- indicating any forms of
21 suicide or body languages of suicide, then you need to
22 have him pulled up.

23 Q. Okay. And as a correctional officer, you had
24 been trained in what those body signs might be that
25 would lead to suicide watch?